

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 09/891,774

**Confirmation No. 2703**

Filed: June 26, 2001

This Notice of Appeal is being electronically filed with the USPTO's EFS-WEB, on this date, October 23, 2006.

Applicant(s): Black et al.

Title: Auto Rack Railway Car

Art Unit: 3683

Examiner: Rodriguez, Pamela

Attorney Docket No.: 70255

Customer No.: 22242

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated April 21, 2006 rejecting claims 45-64.

- ☒ The fee for this Notice of Appeal is \$ 500.00 (37 CFR §41.20(b)(1)).
- ☒ Charge \$ 500.00 to Deposit Account No. 06-1135.

Application No. 09/981,774  
Notice of Appeal dated October 23, 2006  
Reply to the Office action of April 21, 2006

☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefore, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefore), or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: October 23, 2006

s/Jon A. Birmingham/  
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